

REMARKS

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. Sequence Listing

Applicants also enclose a paper copy and a computer readable form of a substitute Sequence Listing to correct an error in the amino acid sequence of SEQ ID NO: 1. The content of the paper copy and of the computer readable form is the same. The error corrected appears at position 87 of SEQ ID NO: 1, which is the amino acid sequence of the protease of *Nocardiopsis* sp. NRRL 18262. The amino acid at this position is Thr, not Ala. This submission contains no new matter.

II. The Objection to Claims 25-27

The Office objected to claims 25-27 because claims 26-27 depend from a base claim under objection. Claims 26-27 have been amended to depend from claim 25. Therefore, this objection has been overcome.

III. The Rejection of Claims 25-30 under 35 U.S.C. 103

Claims 25-30 are rejected under 35 U.S.C. 103 as being unpatentable over Bedford et al. (WO 96/05739) in view of Snow-Brand-Mild-Prod. (JP 02255081). This rejection is respectfully traversed.

As stated in the prior response, Snow-Brand-Milk-Prod. merely disclose a *Nocardiopsis* protease and Bedford et al. disclose feed additives comprising a xylanase and a protease and optionally a beta-glucanase.

However, the cited references do not teach or suggest the use of a protease comprising an amino acid sequence of SEQ ID NO: 1 in animal feed.

Moreover, although the feed additives described in Bedford et al. are said to have an improved (i.e., lower) feed conversion ratio (FCR), the results do not demonstrate that to be the

results obtained using animal feed without protease and animal feed with protease

On the other hand, the instant application demonstrates in Example 4 that the protease of SEQ ID NO: 1 (*Nocardiopsis* sp. NRRL 18262 protease) has a statistically and significantly better effect on protein solubilization. These results could not have been predicted from Bedford et al. and therefore are surprising and unexpected.

Bedford et al. provide no basis for the skilled artisan to expect that if a protease comprising an amino acid sequence of SEQ ID NO: 1 is used in animal feed, an unexpectedly high improvement in the nutritional value would be obtained. An unexpected result is a hallmark of patentability.

The Office Action also states that "the allegedly super efficient and unexpected FCR's obtained by the feed additives of this invention and methods of preparing said feed additives are not recited in the claims in order to possibly render the claims allowable over the prior art." This is respectfully traversed.

The pending claims recite an acid-stable protease which comprises the amino acid sequence of SEQ ID NO: 1, which is responsible for providing the unexpected properties to the feed additives and compositions. Therefore, the surprising and unexpected properties are recited in the claims.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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Elias J. Lambiris, Reg. No. 33,728
Novozymes North America, Inc.